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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/669,104

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Bjorn Nolte

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EXAMINER

ALTSCHUL, AMBER L

ART UNIT

PAPER NUMBER

3686

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/669,104	<b>Applicant(s)</b> NOLTE, BJORN	
	<b>Examiner</b> AMBER L. ALTSCHUL	<b>Art Unit</b> 3686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 15, 2009 has been entered.

### ***Response to Amendment***

2. This communication is in response to the amendment filed on January 15, 2009. Claims 1 and 7 have been amended. Claims 1-12 remain pending.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent Number 5,513,101, Pinsky, et al., hereinafter Pinsky.

5. (Currently Amended) As per claim 1, Pinsky teaches a medical system architecture comprising:

at least one imaging modality that acquires medical examination images, (column 1, lines 44-67);

a computer workstation associated with said at least one imaging modality, (column 1, lines 44-67);

a data transfer device that transfers data and messages and said medical examination images between at least one client and at least one server, (column 1, lines 44-67);

a storage device connected to said data transfer device that stores at least said medical examination images, (column 1, lines 44-67);

at least one further computer workstation connected to said data transfer device configured for post-processing said data and said examination images, (column 1, lines 44-67); and

a proxy server in communication exclusively with said data transfer device configured to convert said messages between said at least one client and said at least one server according to predetermined transformation rules that make operation of said proxy server transparent to said data transfer device, and thus to said at least one imaging modality, said computer workstation, said storage device and said at least one further computer workstation, (column 1, lines 44-67, column 5, lines 51-59, column 7, lines 1-6).

6. (Original) As per claim 2, Pinsky teaches the system of claim 1 as described above. Pinsky further teaches wherein said data transfer device exchanges said data, examination

images and messages according to the DICOM standard, (column 2, lines 1-24 and column 8, lines 32-50).

7. (Original) Regarding claim 3, Pinsky teaches the system of claim 1 as described above. Pinsky further teaches comprising a rules memory, accessible by said proxy server, wherein said transformation rules are stored, (column 4, lines 8-29).

8. (Original) Regarding claim 4, Pinsky teaches the system of claim 1 as described above. Pinsky further teaches wherein said proxy server comprises a software product separate from said data transfer device, (column 4, lines 1-7).

9. (Original) Regarding claim 5, Pinsky teaches the system of claim 1 as described above. Pinsky further teaches wherein said proxy server operates at a same system node as said data transfer device, (column 5, lines 42-50).

10. (Original) Regarding claim 6, Pinsky teaches the system of claim 1 as described above. Pinsky further wherein said proxy server operates on a network node, (column 3, lines 19-44).

11. (Currently Amended) Regarding claim 7, Pinsky teaches a method for exchanging messages, comprising the steps of:

Providing a network comprising a plurality of nodes and a proxy server formulating messages at a first of said nodes which are to be transmitted to another of such nodes via [[a]] said network, each of said messages having a content, (column 5, lines 51-59, column 6, lines 38-67, column 7, lines 1-6, column 10, lines 5-9 and 46-52, and column 11, lines 24-30);

exchanging said messages between a client and a server connected to said network at respective nodes of said network, (column 5, lines 51-59 and column 7, lines 1-6); and

in said proxy server manipulating the respective contents of said messages during transmission of said messages in said network using a computerized conversion routine employing predetermined transformation rules that make said proxy server transparent to all of said nodes, (column 1, lines 44-67, column 5, lines 51-59, column 6, lines 38-67, column 7, lines 1-6, column 10, lines 5-9 and 46-52, and column 11, lines 24-30).

12. (Original) Regarding claim 9, Pinsky teaches the method of claim 7 as described above. Pinsky further teaches comprising formulating said messages according to the DICOM standard, (column 5, lines 51-59 and column 7, lines 1-6, and column 8, lines 32-50).

13. (Original) Regarding claim 10, Pinsky teaches the method of claim 7 as described above. Pinsky further teaches comprising selectively reconfiguring said predetermined transformation rules as needed, (column 6, lines 38-67).

14. (Original) Regarding claim 11, Pinsky teaches the system of claim 7 as described above. Pinsky further teaches comprising storing said predetermined transformation rules in a rules memory, and executing said conversion routine to manipulate the respective contents of the messages in a proxy server having access to said rules memory, (column 1, lines 44-67, and column 8, lines 32-50).

15. (Original) Regarding claim 12, Pinsky teaches the system of claim 7 as described above. Pinsky further teaches wherein said network comprises a plurality of DICOM nodes, and wherein the step of manipulating the respective contents of said messages comprises manipulating the respective contents of said messages in a manner transparent to said DICOM nodes, (and column 8, lines 32-50 and column 10, lines 46-52).

***Response to Arguments***

16. In the remarks filed January 15, 2009, Applicant argues in substance that (A) Pinsky, et al. fails to disclose a proxy server for converting messages between at least one client and at least one server according to predetermined transformation rules, (B) that Pinsky, et al. therefore does not teach dependent claims 2-6 since they set forth different aspects related to the same general concept as claim 1, (C) that Pinsky, et al., does not teach independent claim 7 which is comparable to independent claim 1 and therefore does not teach depending claims 9-12 since they depend from claim 7.

(A) At pages 5-6 of the January 15, 2009 response, Applicant argues that Pinsky does not teach a proxy server for converting messages between at least one client and at least one server according to predetermined transformation rules.

In response, the Examiner respectfully disagrees. It is readily apparent that Pinsky a proxy server for converting messages between at least one client and at least one server according to predetermined transformation rules, (column 1, lines 44-67, column 3, lines 19-44, column 5, lines 51-59, column 6, lines 38-67, column 7, lines 57-63, column 8, lines 3-12, column 10, lines 5-9 and 46-52, and column 11, lines 24-30). Thus, the Examiner respectfully contends that Pinsky's system of using a server, WAN/LAN and image acquiring hospitals coupled to a regional radiology hub is an art recognized equivalent to a proxy server for converting messages between at least one client and at least one server according to predetermined transformation rules.

(B) At page 6 of the January 15, 2009 response, Applicant argues that Pinsky, et al. therefore does not teach dependent claims 2-6 since they set forth different aspects related to the same general concept as claim 1.

In response, the Examiner respectfully disagrees. Claims 2-6 are dependent from Applicant's independent claim 1. As such, Applicant's remarks with regard to the application of Pinsky to these claims is moot in the above Office Action.

(C) At page 6 of the January 15, 2009 response, Applicant argues that Pinsky does not teach independent claim 7 which is comparable to independent claim 1 and therefore does not teach depending claims 9-12 since they depend from claim 7.

In response, the Examiner respectfully disagrees. Claims 9-12 are dependent from Applicant's independent claim 7. As such, Applicant's remarks with regard to the application of Pinsky to these claims is moot in the above Office Action.

17. Applicant's arguments with regard to the application of Pinsky to claims 1-7 and 9-12 are moot in the above Office Action.



***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches Application framework of objects for the provision of DICOM services (US 5668998 A), Method for validating a digital imaging communication standard message (US 5671353 A), Method for negotiating software compatibility (US 5835735 A), Remote health care information input apparatus (US 5865745 A), User interface for echocardiographic report generation (US 5911133 A), Remote access medical image exchange system and methods of operation therefor (US 6006191 A).

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amber L. Altschul whose telephone number is (571) 270-1362. The examiner can normally be reached on M-Th 7:30-5, F 7:30-4, every other Friday off.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gerald J. O'Connor can be reached at (571) 272-6787. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300.

21. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-8219.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

/A. L. A./

Examiner, Art Unit 3626

February 1, 2009

/Gerald J. O'Connor/  
Supervisory Patent Examiner  
Group Art Unit 3686